

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SINCO TECHNOLOGIES PTE LTD.,

Plaintiff,

v.

SINCO ELECTRONICS (DONGGUAN)
CO. LTD., et al.,

Defendants.

Case No. 17-cv-05517-EMC

**ORDER DENYING DEFENDANTS'
MOTION FOR RELIEF FROM
NONDISPOSITIVE PRETRIAL ORDER
OF MAGISTRATE JUDGE**

Docket No. 156

Defendants have moved for relief from Judge Spero's order of March 13, 2019. *See* Docket No. 155 (order). The motion is **DENIED**. Defendants have failed to show that the order is either clearly erroneous or contrary to law: the arguments now raised by Defendants were never presented to Judge Spero. *See, e.g., Shim-Larkin v. City of N.Y.*, No. 17-mc-80019-YGR, 2017 U.S. Dist. LEXIS 110790, at *8 (N.D. Cal. July 17, 2017) (noting that "plaintiff did not raise such arguments before Magistrate Judge Ryu, and has, therefore, waived them"); *see also Greenhow v. Sec'y of Health & Hum. Servs.*, 863 F.2d 633, 638-639 (9th Cir. 1988) ("[W]e do not believe that the Magistrates Act was intended to give litigants an opportunity to run one version of their case past the magistrate, then another past the district court. [¶] Arguments raised for the first time on appeal have traditionally been held to be barred, absent exceptional circumstances or a convincing explanation for the failure to present them to the court below."), *overruled on other grounds by United States v. Hardesty*, 977 F.2d 1347 (9th Cir. 1992); *Borden v. Sec'y of Health & Hum.*

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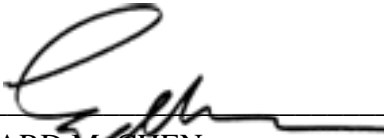
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1 *Servs.*, 836 F.2d 4, 6 (1st Cir. 1987) (concluding that the district court properly “refused to rule on
2 [a] question [because] it had been waived by failing to raise it before the magistrate”).

3 This order disposes of Docket No. 156.

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5 **IT IS SO ORDERED.**

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7 Dated: March 15, 2019

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11 EDWARD M. CHEN
12 United States District Judge
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